

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Cathleen Tibbetts,
Plaintiff

v.

Case No. 1:12-cv-894

Commissioner of Social Security,
Defendant

ORDER

This matter is before the Court on the Magistrate Judge's Report and Recommendation filed August 21, 2013 (Doc. 4).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). As of the date of this Order, no objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, we find the Magistrate Judge's Report and Recommendation correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. The decision of the Commissioner to deny plaintiff Disability Insurance Benefits and Supplemental Security Income is **REVERSED** because it is not supported by substantial evidence in the record as a whole. This case is **REMANDED** for future review at the administrative level, consistent with the Report and Recommendation, of: 1) the medical evidence concerning plaintiff's major depression; 2) other medical evidence concerning plaintiff's fibromyalgia and the interaction between her mental and physical

impairments; 3) plaintiff's credibility; and 4) the vocational evidence. On remand for further development of the record, the ALJ may refer plaintiff for a consultative psychological examination, and/or solicit other additional medical evidence if necessary, such as the testimony of a medical expert.

Date: December 9, 2013

s/Sandra S. Beckwith

Sandra S. Beckwith, Senior Judge
United States District Court